

May 13, 2013

West Des Moines City Council Proceedings  
Monday, May 13, 2013

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, May 13, 2013 at 5:31 PM. Council members present were: J. Mickelson, T. Ohmart, J. Sandager, and K. Trevillyan.

Jody Smith, Deputy City Manager/City Clerk, noted the workshop scheduled to follow tonight's regular meeting has been tentatively rescheduled to follow the regular meeting on May 28, 2013.

Mayor Gaer requested staff begin giving, under "Other Matters," an economic development update to the Council on a regular schedule of once a month or once every two months.

On Item 1. Agenda. It was moved by Sandager, second by Trevillyan to approve the agenda as presented.

Vote 13-172: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

BRAVO Greater Des Moines Executive Director M.D. Isley, BRAVO Board of Directors member John Schmidt, and Science Center of Iowa Vice President of Community Engagement Leisha Barcus provided an update on BRAVO's activities and thanked the City for its support of BRAVO.

Council member Trimble arrived at 5:39 p.m.

Council member Sandager reported he attended a meeting of the BRAVO board of directors, where a giving policy was adopted.

Council member Mickelson reported he missed the majority of the Council meeting two weeks ago because he was speaking to a group of University of Iowa graduating athletes. He also reported he recently had the opportunity to tour the WRA and MWA facilities. He stated since he was selected for the Business Record's 40 under 40, Delta Dental offered to donate 50 toothbrushes to the organization of his choosing, so they will be donated to WDM Human Services. He reported he has begun holding a weekly informal meeting on Tuesdays at 7:30 a.m. called "Coffee with your Councilor" which is held at the Panera at 4150 Westown Parkway and is open to the public. He also reported he attended the Greater Des Moines Partnership trip to Washington D.C.

May 13, 2013

Council member Ohmart reported he attended a Development and Planning Subcommittee meeting, where discussion was held on the parameters for a proposed annexation moratorium with the City of Cumming and a possible Code amendment to allow chickens in single family residential zoning districts, which was not supported by the subcommittee members. He reported he attended a Public Works Subcommittee meeting, where an update was given on the exterior lighting retrofit study and discussion was held on patching guidelines for the sidewalk program. He also reported he attended the Greater Des Moines Partnership trip to Washington D.C., where he gave a presentation on the Southwest Connector project, spoke with Congressman Tom Latham and Amtrak regarding passenger rail, and participated in a roundtable discussion with Congressional staff on transportation.

City Manager Greg Sparks reported he attended the SMART Economic Development Conference on May 2nd and attended sessions on “Growing Tourism,” “Marketing our Community to Site Selectors,” and “Local Public Financing.” He also reported he attended a Capital Crossroads meeting on May 3rd, where subcommittee updates were given. He also attended the first meeting of a Greater Des Moines Partnership subcommittee on regional economic development, where discussion was held on funding criteria for business incubators. He also reported he attended the grand opening of the Link “General Store.”

Aaron Chittenden, Assistant to the City Manager, gave an update on the three-tiered leadership development program and recognized the first class of Tier III graduates: Chris Shires, Development Planning and Inspection Manager; Shirley Houghtaling, Head of Public Services for the WDM Library; Travis Ouverson, Police Lieutenant; Michael Ficcola, Police Lieutenant; and David Sadler, Landscape Architect.

Mayor Gaer reported on May 7th he received a copy of a letter from the Iowa Department of Transportation directed to the Federal Highway Administration requesting approval of the Interchange Justification Report for the proposed 105<sup>th</sup> Street/Alice’s Road Interchange.

On Item 4. Consent Agenda.

It was moved by Sandager, second by Trimble to approve the consent agenda as presented.

- a. Approval of Minutes of April 29, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. BBMG Mills Civic Parkway, LLC d/b/a Bang Bang Mongolian Grill, 6420 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 2. China Jade, Inc. d/b/a China Jade, 5002 EP True Parkway - Class BB Beer Permit with Sunday Sales - Renewal
  - 3. Foods, Inc. d/b/a Dahl’s Foods, 5003 EP True Parkway - Class LE Liquor License

May 13, 2013

- with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
- 4. Turkey Brothers, Inc. d/b/a Fire Creek Grill, 800 South 50th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- 5. Hy-Vee, Inc. d/b/a Hy-Vee Food Store #1, 1700 35th Street - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
- 6. Turner Beverage, LLC d/b/a Vintage Wine, 6905 Mills Civic Parkway - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service Privileges - Renewal
- 7. Willow Creek Golf Course, Inc. d/b/a Willow Creek Golf Course, 140 Army Post Road - Class LC Liquor License with Sunday Sales, Living Quarters, and Outdoor Service Privileges - Renewal
- d. Approval of Appointments - Sister Cities Commission
- e. Approval of Special Event Logistics - RAGBRAI
- f. Approval of Change Order #6 - Valley View Park Phase I
- g. Approval of Policy - Sanitary Sewer District Fees for Park/Greenway Purposes
- h. Approval to Cease Engineering - Stagecoach Drive Improvements Project, South 88th Street westerly
- i. Order Construction:
  - 1. 2013 Sewer Rehabilitation Program
  - 2. Center Place Storm Sewer Improvements
- j. Approval of Special Assessments - Nuisance Abatements
- k. Accept Work - 2011 Sidewalk Improvement Program
- l. Approval of Extension of Entitlements:
  - 1. Waterbury Building, 7765 Office Plaza Drive North
  - 2. Alameda Office Building, 6770 Vista Drive
  - 3. Newport Office Building, 1055 Jordan Creek Parkway
- m. Proclamation - National Public Works Week - May 19-25, 2013

Vote 13-173: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Mayor Gaer read the Proclamation - National Public Works Week.

On Item 5(a) Jordan Creek Town Center, 101 Jordan Creek Parkway - Amend the Planned Unit Development to Modify Setback and Buffer Standards for 1 Parcel in the Development, initiated by GGP Jordan Creek, LLC

It was moved by Trimble, second by Trevillyan to consider the second reading of the ordinance.

Vote 13-174: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

May 13, 2013

It was moved by Trimble, second by Trevillyan to approve the second reading of the ordinance.

Vote 13-175: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Trimble, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 13-176: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(b) The Woods at Sugar Creek, south of Mills Civic Parkway, north of Stagecoach Drive, and west of South 95th Street - Rezone the Property to Single Family Residential (R-1), initiated by Triple T, LLC

It was moved by Trimble, second by Sandager to consider the second reading of the ordinance.

Vote 13-177: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Sandager to approve the second reading of the ordinance.

Vote 13-178: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Trimble, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 13-179: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(c) Police Department Reorganization, initiated by the City of West Des Moines

It was moved by Trimble, second by Sandager to Approve the Reorganization Plan.

Council member Trevillyan stated he does not understand the justification for eliminating Lieutenant positions and promoting those individuals to Captains. He inquired about the pay grade of the newly created Staff Sergeant positions, and he inquired about the impact on the budget of future phases of the reorganization. He stated because he does not think the reorganization plan will save money in the long run, he does not support this item.

May 13, 2013

Council member Trimble stated the Finance Department has reviewed the reorganization plan and found that it should result in cost savings. He noted the Finance Department did acknowledge that no reorganization could result in greater cost savings, but he feels the benefit of having additional officers on the street outweighs the cost difference.

Council member Trevillyan stated he is not suggesting the City doesn't need more officers, but he doesn't understand the justification for the elimination of the Lieutenant positions and promotions of Lieutenants to Captains.

The Mayor and Council commented they have recently noticed an increase in the visibility of the officers on the streets.

Council member Sandager inquired about the timeline for the two new officers' academy training and start date.

Mayor Gaer requested staff provide responses to Council members Trevillyan's and Sandager's questions.

Vote 13-180: Mickelson, Ohmart, Sandager, Trimble...4 yes  
Trevillyan...1 no

Motion carried.

On Item 6(a) Mayor Gaer state staff is requesting the public hearing be continued until June 10, 2013, regarding Roger's Farm, south side of Stagecoach Drive (south of Wells Fargo) - Amend the Comprehensive Plan Land Use to Change approximately 6.86 acres from Single Family Residential (SF) to Medium Density Residential (MD) and Designate 51.03 acres as Residential Medium Density (RM-12) Zoning, 32.26 acres as Residential Estate (RE-1A) Zoning, and 7.76 acres as Single Family Residential (R-1) Zoning Consistent with the Comprehensive Plan Land Use Designations, initiated by Civic Parkway Associates, LC.

It was moved by Sandager, second by Ohmart to Continue the Public Hearing until June 10, 2013.

Vote 13-181: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Westside Community Center, 134 6th Street - Amend the Comprehensive Plan Land Use from Medium Density Residential to Historic Business and Rezone the Property from Single Family Valley Junction (SF-VJ) to Valley Junction Historic Business (VJHB), initiated by Polk County. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 26, 2013 in the Des Moines Register. Mayor Gaer asked if any written

May 13, 2013

comments had been received. The City Clerk stated on a vote of 4-0, with two members abstaining and one member absent, the Plan and Zoning Commission recommended City Council approval of both the proposed Comprehensive Plan Amendment and Rezoning request.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 13-182: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Trevillyan, second by Sandager to consider the first reading of the ordinance.

Vote 13-183: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the first reading of the ordinance.

Vote 13-184: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013-14 Community Development Block Grant Program Annual Action Plan, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 3, 2013 in the Des Moines Register, May 8, 2013 in the Madisonian, May 8, 2013 in the Indianola Record Herald & Tribune, and May 9, 2013 in the Dallas County News. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Annual Action Plan.

Council member Trimble inquired if this year's allocation is similar to last year.

Christine Gordon, Housing Planner, responded the estimate for this year's Federal funding is less than last year, due to a 5% cut across the nation; however HUD has still not yet reported what the

May 13, 2013

exact amount will be. She noted the funds will be allocated consistently as in the past.

Council member Trimble inquired how many more infrastructure and lighting projects that use this funding there will be. He expressed his desire to see as much of the HUD funds as possible be used to directly help low-income individuals.

Ms. Gordon responded she does not have that information but believes there might only be one more infrastructure/lighting project.

Council member Trimble inquired how long the waiting list is for the Metro Home Improvement Program.

Ms. Gordon responded the list currently has approximately 43 to 45 households.

Vote 13-185: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Budget Amendment #4 - 2012-13 FY Operating and Capital Budget, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 3, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Budget Amendment.

Vote 13-186: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013 PCC Reconstruction Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 3, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to

May 13, 2013

Concrete Technologies.

Vote 13-187: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013 Sump Pump Sewer Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 3, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to MPS Engineers.

Council member Trimble inquired how the City determines which parts of the city to include in sump pump sewer programs.

Joe Cory, Deputy Public Works Director, responded staff identifies areas with known problems and surveys the property owners of those areas to evaluate the level of interest in connecting their sump pump to the sewer, and the areas with the greatest level of interest become the top priorities. He stated when the sump pump sewer program is established in an area, the property owners have the option to pay to connect their sump pump to the sewer.

Council member Trevillyan requested staff look into a possible future sump pump sewer program for Maple Street, west of 24<sup>th</sup> Street, because he has seen water on that roadway.

Vote 13-188: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 2012 Channel Repair Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 3, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Ohmart, second by Sandager to adopt Resolution - Approval of Plans and



May 13, 2013

Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to MPS Engineers.

Vote 13-189: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(a) 2013 Sidewalk Improvement Program, initiated by the City of West Des Moines

It was moved by Ohmart, second by Trevillyan to adopt Motion - Ordering Installation and Repair.

Troy Zeleznik, 2512 Meadow Lane, noted the City has required the reconstruction of sidewalk at 101 Ashworth Road, because the brick material is not considered an acceptable material for sidewalks. He pointed out there are brick sidewalks in the Valley Junction business district, and he questioned how the City can allow that while requiring others to remove brick material from their sidewalks.

Mayor Gaer stated the brick sidewalks of the Valley Junction business district were part of a unique landscaping project and that information had been previously shared with Mr. Zeleznik.

Mr. Zeleznik expressed he believes if the City considers brick sidewalks inherently dangerous, then they shouldn't have brick sidewalks in Valley Junction. Likewise, he believes if the City does not consider them to be dangerous, then others should not be restricted from having brick sidewalks.

Council member Ohmart explained the brick sidewalks of the Valley Junction business district are inspected on an annual basis, whereas all other sidewalks in the city are only inspected once every 7 or 8 years.

Mayor Gaer stated these issues have all been previously discussed and the City recognizes an exception was made for the sidewalks in Valley Junction, which went through the public hearing process.

Vote 13-190: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 8(a) Maple Grove West, east of 98th Street and south of the Union Pacific Railroad - Amend the Planned Unit Development (PUD) and PUD Sketch Plan to increase the size of PUD Parcel A for development of detached single family residential dwellings - Triple T Development, LLC - Referred to Plan and Zoning Commission

On Item 8(b) Exterior Lighting Study - Howard R. Green Company - Received and Filed

May 13, 2013

Concil member Sandager left the meeting at 6:41 p.m.

On Item 9 - Other Matters

Council member Trimble stated a resident has expressed concerns regarding a potential lack of erosion prevention measures with the I-35 reconstruction project, specifically adjacent to Quail Cove Neighborhood Park.

Greg Sparks responded staff is looking into the matter.

The meeting was adjourned at 6:42 p.m.

Respectfully submitted,

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Ryan T. Jacobson  
Deputy City Clerk

ATTEST:

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Steven K. Gaer, Mayor